Marriage/Turmoil surrounds issue

From A1

interest to deny gay and lesbian couples the right to marry. He ordered the state to begin issuing them licenses; the state said it will ask him to delay his order during the appeal.

"We are glad he could see that this discrimination has to be ended," said Joe Melillo, who with partner Pat Lagon and two lesbian couples sued the state in 1991. When the couples did sue, some national gay rights organizations worried the move was premature.

It certainly prompted debate. In the Hawaiian Legislature, lawmakers failed to agree this year on a proposed constitutional amendment to ban them, or domestic partnership legislation giving gay and lesbian couples many of the legal and financial benefits of married couples.

Congress, meanwhile, approved a law signed by President Clinton in September, saying the federal government will not recognize gay marriages and allowing states to refuse to recognize such marriages licensed in other states.

An appeal of Chang's ruling would send the case back to the Hawaii Supreme Court, which ruled in 1993 that denial of marriage licenses to same-sex couples amounted to gender discrimination under the state constitution's Equal Rights Amendment.

Deputy State Attorney General Rick Eichor said the judge and the state Supreme Court misread the state constitution and state law.

"The law does not discriminate on the basis of sex," he said. "It makes distinctions on the basis of sexual orientation, not sex."

The state Supreme Court had sent the case back to a lower court to give the state a chance to show a compelling public interest in allowing such discrimination.

Ninia Baehr and Genora Dancel, one of the gay couples who sued, said they plan to return to Hawaii to get married. They now live in Baltimore.

"When we first applied for a marriage license, people said we would never win," Baehr said, beaming at her partner of six years during a news conference in New York. "But now we are so close."

Associated Press

Ninia Baehr, left, and Genora Dancel, one of the gay couples who sued Hawaii for the right to marry, speak Tuesday at a news conference in New York.

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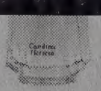

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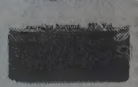

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Hawaiian judge rules gays have right to marry

Associated Press

HONOLULU — A judge on Tuesday barred Hawaii from denying marriage licenses to gay couples in a case that has led Congress to allow other states to refuse to recognize such unions.

The state said it will appeal the decision by Circuit Judge Kevin Chang, which drew an immediate national response from advocates and opponents of same-sex marriages.

"This decision is not only historic, but of vital personal consequence to the couples who want to get married," said Daniel Foley, an attorney for three gay couples who sued the state.

The American Center for Law and Justice, which represented eight state legislators who tried to intervene, called the ruling an "outrage."

"We're extremely disappointed that Hawaii chose to unravel a 6,000-year-old institution of marriage consisting of a man and a woman," said Jay Sekulow, attorney for the Virginia Beach, Va.-based organization.

Chang said the state failed to show any compelling state

See MARRIAGE/A3

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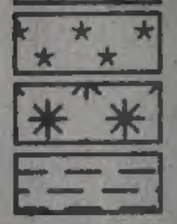

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